

AMENDED IN SENATE AUGUST 19, 2016

AMENDED IN SENATE JUNE 8, 2016

AMENDED IN ASSEMBLY MARCH 15, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2731

Introduced by Assembly Member O'Donnell

February 19, 2016

An act to amend Section 35700.5 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 2731, as amended, O'Donnell. Vehicles: Terminal Island Freeway: special permits.

Existing law authorizes the Department of Transportation, upon adoption of an ordinance or resolution by the City of Carson, the City of Long Beach, and the City of Los Angeles, to issue a special permit to the operator of a vehicle, combination of vehicles, or mobile equipment, permitting the operation and movement of the vehicle, combination, or equipment, and its load, on specified routes in those cities if the vehicle, combination, or equipment meets specified criteria. Under existing law, those criteria include that the vehicle, combination of vehicles, or mobile equipment is used to transport intermodal cargo containers that are moving in international commerce, and that the maximum gross weight of the vehicles and loads not exceed 95,000 pounds gross vehicle weight.

This bill would require ~~the above-mentioned ordinance or resolution to conform with the weight limits determined by the Department of Transportation.~~ *the City of Carson, the City of Long Beach, and the*

City of Los Angeles to use and enforce the axle and gross vehicle weight limits used by the Department of Transportation for a permitted vehicle, combination of vehicles, or mobile equipment operating or moving on the above-described routes by individual, and not combined, axle group calculations.

Vote: majority. Appropriation: no. Fiscal committee: no.

State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. The Legislature finds and declares all of the*
2 *following:*

3 *(a) Heavy container corridors connect the Ports of Los Angeles*
4 *and Long Beach to warehouses and distribution centers throughout*
5 *the port area.*

6 *(b) These corridors allow port customers to move certain types*
7 *of heavy cargo, such as agricultural goods, and from the port*
8 *complex, which enhance the competitiveness of the two ports.*

9 *(c) These specially designated corridors include streets located*
10 *in the Cities of Los Angeles, Long Beach, Carson, as well as*
11 *California state routes. Overweight trucks that have a gross vehicle*
12 *weight in excess of 80,000 pounds, but no more than 95,000*
13 *pounds, are allowed to operate on heavy container corridors upon*
14 *issuance of permits from their respective jurisdictions.*

15 *(d) The Cities of Long Beach and Carson share a common*
16 *method of determining whether a truck is overweight while*
17 *traversing heavy container corridors. However, the City of Los*
18 *Angeles currently uses a different method of determining whether*
19 *a truck is overweight.*

20 *(e) This difference causes confusion, results in users of the heavy*
21 *container corridors in the City of Los Angeles to incur fines and*
22 *penalties, and incentivizes noncompliance with safety measures*
23 *required on the corridors.*

24 *(f) It is the intent of the Legislature in enacting this act that the*
25 *Cities of Los Angeles, Carson, and Long Beach all utilize the same*
26 *methodology to enforce the weight limits established by permits*
27 *issued by the Department of Transportation for trucks traveling*
28 *along heavy container corridors.*

1 ~~SECTION 1.~~

2 *SEC. 2.* Section 35700.5 of the Vehicle Code is amended to
3 read:

4 35700.5. (a) The Department of Transportation, upon adoption
5 of an ordinance or resolution that is in conformance with the
6 provisions of this section by the City of Carson, the City of Long
7 Beach, and the City of Los Angeles, covering designated routes,
8 may issue a special permit to the operator of a vehicle, combination
9 of vehicles, or mobile equipment, permitting the operation and
10 movement of the vehicle, combination, or equipment, and its load,
11 on the 3.66-mile portion of State Route 47 and State Route 103
12 known as the Terminal Island Freeway, between Willow Street in
13 the City of Long Beach and Terminal Island in the City of Long
14 Beach and the City of Los Angeles, and on the 2.4-mile portion
15 of State Highway Route 1, that is between Sanford Avenue in the
16 City of Los Angeles and Harbor Avenue in the City of Long Beach,
17 if the vehicle, combination, or equipment meets all of the following
18 criteria:

19 (1) The vehicle, combination of vehicles, or mobile equipment
20 is used to transport intermodal cargo containers that are moving
21 in international commerce.

22 (2) The vehicle, combination of vehicles, or mobile equipment,
23 in combination with its load, has a maximum gross weight in excess
24 of the maximum gross weight limit of vehicles and loads specified
25 in this chapter, but does not exceed 95,000 pounds gross vehicle
26 weight.

27 (3) (A) The vehicle, combination of vehicles, or mobile
28 equipment conforms to the axle weight limits specified in Section
29 35550.

30 (B) The vehicle, combination of vehicles, or mobile equipment
31 conforms to the axle weight limits in Section 35551, except as
32 specified in subparagraph (C).

33 (C) Vehicles, combinations of vehicles, or mobile equipment
34 that impose more than 80,000 pounds total gross weight on the
35 highway by any group of two or more consecutive axles, exceed
36 60 feet in length between the extremes of any group of two or more
37 consecutive axles, or have more than six axles shall conform to
38 weight limits that shall be determined by the Department of
39 Transportation.

(b) The permit issued by the Department of Transportation shall be required to authorize the operation or movement of a vehicle, combination of vehicles, or mobile equipment described in subdivision (a). The permit shall not authorize the movement of hazardous materials or hazardous wastes, as those terms are defined by local, state, and federal law. The following criteria shall be included in the application for the permit:

(1) A description of the loads and vehicles to be operated under the permit.

(2) An agreement wherein each applicant agrees to be responsible for all injuries to persons and for all damage to real or personal property of the state and others directly caused by or resulting from the operation of the applicant's vehicles or combination of vehicles under the conditions of the permit. The applicant shall agree to hold harmless and indemnify the state and all its agents for all costs or claims arising out of or caused by the movement of vehicles or combination of vehicles under the conditions of the permit.

(3) The applicant shall provide proof of financial responsibility that covers the movement of the shipment as described in subdivision (a). The insurance shall meet the minimum requirements established by law.

(4) An agreement to carry a copy of the permit in the vehicle at all times and furnish the copy upon request of an employee of the Department of the California Highway Patrol or the Department of Transportation.

(5) An agreement to place an indicia, developed by the Department of Transportation, in consultation with the Department of the California Highway Patrol, upon the vehicle identifying it as a vehicle possibly operating under this section. The indicia shall be displayed in the lower right area of the front windshield of the power unit. The Department of Transportation may charge a fee to cover the cost of producing and issuing this indicia.

(c) The permit issued pursuant to subdivision (a) shall be valid for one year. The permit may be canceled by the Department of Transportation for any of the following reasons:

(1) The failure of the applicant to maintain any of the conditions required pursuant to subdivision (b).

(2) The failure of the applicant to maintain a satisfactory rating, as required by Section 34501.12.

1 (3) A determination by the Department of Transportation that
2 there is sufficient cause to cancel the permit because the continued
3 movement of the applicant's vehicles under the permit would
4 jeopardize the safety of the motorists on the roadway or result in
5 undue damage to the highways listed in this section.

6 (d) This section does not authorize an applicant or holder of a
7 special permit under subdivision (a) to operate a vehicle or
8 combination of vehicles in excess of the maximum gross weight
9 limit of vehicles and loads specified in this chapter outside of the
10 designated corridors identified in subdivision (a). A violation of
11 this subdivision shall result in the revocation of the permit.

12 (e) The Department of Transportation may charge a fee to cover
13 the cost of issuing a permit pursuant to subdivision (a).

14 (f) Notwithstanding Section 35700 and Article 6 (commencing
15 with Section 35780), if the City of Carson, the City of Long Beach,
16 and the City of Los Angeles adopt an ordinance or resolution, as
17 described in subdivision (a), the ordinance or resolution shall
18 conform with the weight limits determined by the Department of
19 Transportation pursuant to this section. *shall use and enforce the*
20 *axle and gross vehicle weight limits used by the Department of*
21 *Transportation for a permitted vehicle, combination of vehicles,*
22 *or mobile equipment operating or moving on a route described in*
23 *subdivision (a) by individual, and not combined, axle group*
24 *calculations.*